

Before the
Federal Communications Commission
Washington, D.C. 20554

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In the Matter of)	
)	
Revisions to Broadcast Auxiliary Service)	ET Docket No. 01-75
Rules in Part 74 and Conforming)	
Technical Rules for Broadcast Auxiliary)	
Service, Cable Television Relay Service)	
And Fixed Services in Parts 74, 78 and)	
101 of the Commission's Rules)	
)	
Telecommunications Industry Association,)	RM-9418
Petition for Rule Making Regarding)	
Digital Modulation for the Television)	
Broadcast Auxiliary Services)	
)	
Alliance of Motion Picture and Television)	RM-9856
Producers, Petition for Rule Making)	
Regarding Low-Power Video Assist)	
Devices in Portions of the UHF and)	
VHF Television Bands)	

**Comments of the Alliance of Motion Picture
And Television Producers**

1. On March 20, 2001, the Commission released a *Notice of Proposed Rule Making* proposing revisions to its rules governing the Broadcast Auxiliary Services (BAS) and addressing the Alliance of Motion Picture and Television Producers' (AMPTP) Petition for Rule Making regarding the use of wireless video assist devices (WAVDs).¹

¹ See In the Matter of Revisions to Broadcast Auxiliary Service Rules in Part 74 and Conforming Technical Rules for Broadcast Auxiliary Service, Cable Television Relay Service and Fixed Services in Parts 74, 78 and 101 of the Commission's Rules; Telecommunications Industry Association, Petition for Rule Making Regarding Digital Modulation for the Television Broadcast Auxiliary Service; Alliance of Motion Picture and Television Producers, Petition for Rule Making Regarding Low-Power Video Assist Devices in Portions of the UHF and VHF Television Bands; *Notice of Proposed Rule Making*, ET Docket No. 01-75, FCC 01-92 (rel. March 20, 2001) (NPRM).

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2. The AMPTP is a non-profit trade association of companies engaged in the production of motion pictures and television programming. AMPTP represents in excess of 300 of the major and independent producers of motion pictures and television programs with respect to industry-wide collective bargaining agreements. The AMPTP is a Federal Communications Commission certified frequency advisory committee that coordinates applications on behalf of film and video production industry applicants seeking authority to operate business and industrial/land transportation radio stations on frequency assignments allocated between 30-900 MHz. On November 15, 1999, the AMPTP filed a Petition for Rule Making seeking an amendment to Part 74 to permit the operation of low-power WAVDs on vacant television channels in the 174-216 MHz and 470-746 MHz channels.² These WAVDs produce low resolution images that are used by production crews to make content, lighting, and image framing decisions. In the NPRM, the Commission proposes to amend its Part 74 rules, through the addition of a new Section 74.870, to permit motion picture and television producers, as well as TV BAS license holders, to use WAVDs in VHF-TV and UHF-TV spectrum.

A. Cost and Availability

3. The Commission notes that several commenters expressed concern that the use of WAVDs would proliferate and ultimately be used by unauthorized users in a similar fashion to the that experienced with wireless microphones.³ The Commission states that it feels that the price difference between wireless microphones and WAVDs will limit the

² See In the Matter of Alliance of Motion Picture and Television Producers, Petition to Amend Part 74 of the Commission's Rules to Permit Operation of Wireless Video Assist Devices, RM—9856, filed November 15, 1999. See also, Reply Comments of the Alliance of Motion Picture and Television Producers, filed June 9, 2000 (Reply Comments).

³ NPRM at ¶ 90.

use of these devices.⁴ To support this belief, the Commission seeks comment regarding the costs of WAVDs and whether or not this cost would limit their use and availability.⁵ The AMPTP does not believe that a reasonably priced WAVD would cause proliferation in the marketplace and increase the risk of interference. In fact, the AMPTP believes quite the opposite will occur. The intent of the Petition for Rule Making was to make authorized and licensed equipment readily available to production companies in order to minimize the potential for unauthorized use. In order to achieve this goal, *i.e.*, encourage *authorized* use, the AMPTP believes that reasonably priced units are a necessity. Thus, it is anticipated that WAVDs would cost no more than a high quality wireless microphone and be readily available to those in the production industry. As the Commission has correctly noted, these devices currently exist and are in use.⁶ Given the Commission's proposed eligibility and licensing limitations discussed below, the AMPTP does not foresee an increase in unauthorized use, but instead simply foresees this NPRM as expanding the pool of eligible operators.

4. Failing to set up adequate rules and equipment guidelines, rather than the low cost of the unit, is what will increase the potential for abuse of the WAVDs. To that end, the AMPTP applauds the Commission for proposing to allow the expanded use of WAVDs. In the event that unauthorized use does occur, the AMPTP believes that the notification procedures proposed and the direct involvement of the local broadcast coordinator will help identify unauthorized and interfering users. Once the unauthorized

⁴ *Id.*

⁵ *Id.*

⁶ *Id.* ("Moreover, we note that WAVD equipment currently exists and is used under the current rules by broadcasters.")

user is identified, the AMPTP strongly urges the Commission to strictly and expeditiously enforce the eligibility and use limitations.

B. Eligibility, Status and Licensing

5. In the NPRM, the Commission proposes that all entities currently eligible to hold a Part 74 license be eligible operate WAVDs, on a non-interference basis.⁷ The Commission further proposes to limit use of WAVDs to production facilities or locations for use in producing material being filmed or taped for later showing on television broadcast stations.⁸ The Commission notes that WAVDs cannot be used for ENG operations or to assist with the production of live events as broadcast entities have access to BAS spectrum at 2, 7, and 13 GHz for these types of communications.⁹ The AMPTP concurs with the Commission that WAVDs should not be used for news, news gathering, and live events.¹⁰ Instead, the AMPTP envisioned the use of WAVDs for entertainment production *only*. While the AMPTP agrees with the Commission's limitation on use of WAVDs for the production of live events, the AMPTP notes that under the proposed limitations the Commission does not permit the use of WAVDs in the production of cable, satellite, and motion picture events. To that end, the AMPTP requests that the Commission expand the proposed use of WAVDs to include the production of programming and motion pictures for cable, satellite and motion picture theaters.

6. The Commission further proposes that WAVD users must obtain a license prior to operation, which shall be non-assignable and non-transferable, through the

⁷ NPRM at ¶ 93.

⁸ *Id.*

⁹ *Id.*

¹⁰ See Reply Comments at 5 ("AMPTP urges the Commission to expressly exclude the use of wireless video assist devices from these types of events.")

submission of a FCC Form 601 application.¹¹ Upon receipt of that license, they will not be geographically limited, and would be permitted to use any authorized frequency and to operate on as many frequencies as necessary.¹² While it is anticipated that WAVDs will be licensed and operated by the production studios themselves, there is the possibility that independent contractors may in fact be licensed to operate the WAVDs and rent them to the production studios during the course of the filming. Therefore, the AMPTP requests that the Commission specifically note that rental of WAVDs to a third party is not prohibited. In the event the Commission is concerned about unauthorized or frivolous use, the AMPTP suggests that the Commission restrict third party rental to those directly involved in the production of television and motion picture programming.

C. Technical and Operational Requirements

7. The Commission proposes to permit WAVDs to transmit with a maximum ERP of 250 milliwatts and with a permanently attached antenna.¹³ The Commission suggests that these parameters should provide adequate power for reliable transmissions up to 300 meters while protecting other users of the band from harmful interference. The Commission specifically sought comment on whether 250 milliwatts ERP was an adequate signal strength. The AMPTP has no objection to the 250 milliwatt power limitation and concurs that it is an adequate ERP to ensure reliable transmissions up to 300 meters. The AMPTP does not, however, agree with the Commission that the antenna should be permanently attached. The antenna is particularly fragile and, as such, suffers the most frequent damage. To require permanent attachment of the antenna will only heighten the potential for damage, thus creating increased and unnecessary repair costs.

¹¹ NPRM at ¶ 95.

¹² *Id.*

Instead, the AMPTP suggests that the Commission permit the antenna to be removable for ease of repair and maintenance, similar to the antennas used by 2-way radios.

8. The Commission also proposed, as suggested by the AMPTP, that WAVD licensees provide prior notification to the local broadcast coordinator in the area where they wish to operate ten business days prior to the date that the WAVD use is required.¹⁴ In the event that there is no local broadcast coordinator, the WAVD licensee will need to provide notification to any television station within 161 kilometers operating on adjacent channels in the area in which they wish to operate. The notification must include: proposed frequency or frequencies; location; antenna height; type of emission; ERP; intended dates of operation; and licensee contact information. Lack of response from the coordinator is to be deemed approval and the local coordinators are responsible for suggesting modifications to the operating parameters if they deem them necessary.¹⁵ These notification requirements are reasonable. The AMPTP, however, requests clarification that the WAVD licensee only be required to notify the local broadcast coordinator of the antenna height as a maximum level, as the camera activity will need to move up and down, necessitating movement of the antenna.

D. Conclusion

9. The AMPTP applauds the Commission's efforts to permit the use of WAVDs on certain unused VHF and UHF television frequencies and fully supports the Commission's proposals in the NPRM, with some minor clarifications. As discussed above, in order to maximize use of WAVDs in the television and motion production

¹³ NPRM at ¶ 100.

¹⁴ NPRM at ¶ 107. *See also* Reply Comments at 2 ("Moreover, AMPTP agrees with both NAB and SBE's suggestions that, in order to avoid conflict with existing broadcasters, the Commission should initiate notification procedures with the local broadcasting coordinating groups.")

industry, the AMPTP urges the Commission to expand the use limitations for WAVDs to permit their use in the production of programming and motion pictures for cable, satellite and motion picture theaters. Moreover, the AMPTP suggests that the Commission permit the use of removable antennas in order to decrease the potential for damage to the unit and avoid unnecessary repair costs.

Respectfully submitted,

**Alliance of Motion Picture &
Television Producers**
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By: /s/ J. Nicholas Counter
J. Nicholas Counter III
President

Date: June 25, 2001

CERTIFICATE OF SERVICE

I, Laura L. Smith, do hereby certify that on the 25th day of June 2001, I forwarded to the Parties listed below a copy of the foregoing Comments of the Alliance of Motion Picture and Television Producers by first-class mail, postage pre-paid:

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